

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

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**SPEECH FIRST, INC.,**

**Plaintiff,**

**v.**

**MARK SCHLISSEL, *et al.*,**

**Defendants.**

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) Civil No. 4:18-cv-11451-LVP-EAS  
) Hon. Linda V. Parker  
) Mag. Judge Elizabeth A. Stafford  
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**DEFENDANTS' UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO ANSWER OR  
OTHERWISE RESPOND TO COMPLAINT**

Defendants respectfully move for an extension of the deadline to answer or otherwise respond to Plaintiff's Complaint as set forth below. Plaintiff consents to this request.

1. Plaintiff filed its Complaint on May 8, 2018, and a Motion for a Preliminary Injunction on May 11, 2018. The Complaint and Motion raised the same constitutional challenges to policies and programs of the University of Michigan.

2. On June 19, 2018, the Court issued an Order extending the Defendants' deadline to answer or otherwise respond to the Complaint until twenty-one days after the Court's ruling on the Motion for a Preliminary Injunction.

3. On August 6, 2018, the Court issued an Opinion and Order denying Plaintiff's Motion. Plaintiff then filed a Notice of Appeal.

4. On August 21, 2018, the Court extended Defendants' deadline to answer or otherwise respond to the Complaint until twenty-one days after the Court of Appeals' decision on Plaintiff's appeal.

5. On September 23, 2019, the Court of Appeals issued an opinion vacating the Court's order on the Motion for Preliminary Injunction and remanding for further proceedings, including with respect to Plaintiff's likelihood of success and the other preliminary injunction factors. The mandate from the Court of Appeals is to issue on October 15, 2019.

6. Per this Court's August 21 Order, Defendants' Answer or other responsive pleading would now be due on October 15.

7. Counsel for Plaintiff and Defendants have been discussing appropriate next steps in this case in light of the opinion of the Court of Appeals and other developments. This includes discussing a briefing schedule to jointly recommend to the Court should Plaintiff decide to continue to seek a preliminary injunction. As noted, the constitutional challenges raised in the Motion for Preliminary Injunction are the same as those raised in the Complaint.

8. Given those discussions and considerations of efficiency, Defendants request that the Court extend their time to answer or otherwise respond to the Complaint. In particular, Defendants request:

- a. Should Plaintiff decide to continue to seek a preliminary injunction, the deadline be extended until twenty-one days after the Court's decision on the

preliminary injunction.

b. Should Plaintiff decide not to continue to seek a preliminary injunction, the deadline be extended until twenty-one days after Plaintiff informs Defendants and the Court of that decision.

9. Defendants' counsel have conferred with Plaintiff's counsel, and Plaintiff consents to this request.

### **CONCLUSION**

For the foregoing reasons, Defendants request that the Court grant the extension as set forth in paragraph 8, above.

Respectfully submitted,

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*Attorneys for Defendants*

Dated: October 13, 2019

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**SPEECH FIRST, INC.,**

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**DEFENDANTS' BRIEF IN SUPPORT OF THEIR UNOPPOSED  
MOTION FOR EXTENSION OF TIME TO ANSWER OR  
OTHERWISE RESPOND TO COMPLAINT**

For the reasons stated in Defendants' Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Complaint, Defendants respectfully request that the Court grant their motion.

Respectfully Submitted,

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Dated: October 13, 2019

**STATEMENT PURSUANT TO L.R. 7.1(a)**

Counsel for Defendants conferred with counsel for Plaintiff. Plaintiff does not oppose the relief sought in this motion.

**CERTIFICATE OF SERVICE**

This is to certify that on October 13, 2019, a copy of the foregoing was electronically filed with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

/s/ Amy McKinlay